

Date: March 2, 2021

To: Village of East Troy Plan Commission

From: Tim Schwecke, AICP, Zoning Administrator

Subject: Potential amendments to the zoning code relating to cottage housing

Meeting: March 8, 2021 Plan Commission meeting

Please find attached the ordinance as recommended at your meeting on January 11, 2021.

Since that time, we've added a set of new illustrations that show in a very general way what a cottage housing project could look like.

Public notice As required under the zoning code, a class II public hearing notice was published on February 19 and 26, 2021 in the East Troy Times, a copy of which is attached.

Public comment Public comments received as of this date are attached and should be read into the record,

Role of Plan Commission With regard to a proposed amendment of the zoning code, the Plan Commission is advisory. The Village Board makes the final decision.

Proposed motion for adoption: Recommend to the Village Board the approval of the proposed ordinance, based on the findings contained in the proposed ordinance

Attachments:

1. Public hearing notice
2. Public comments received
3. Proposed ordinance as recommended by the Plan Commission

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARING

The Village of East Troy Plan Commission will conduct a public hearing on Monday, March 8, 2021, to consider an amendment of the Village's zoning code (Chapter 510 of the Village of East Troy municipal code) relating to cottage housing (application 2021-01). The proposed amendment may affect allowable uses within the Village. The proposed amendment will not affect the zoning map. A copy of the proposed ordinance will be on file and open for public inspection in the office of the Village Clerk during normal office hours (and when open) for a period of two weeks prior to the public hearing. Details are available online: <https://s.zoninghub.com/P6DJKXEA17>

The meeting agenda will indicate if the Plan Commission meeting will be conducted online via Zoom or in-person at the Village Municipal Building, located at 2015 Energy Drive. The Plan Commission meeting starts at 6:30 pm and the public hearing will be conducted in the order listed on the meeting agenda.

For information regarding this public hearing, contact Tim Schwecke, Zoning Administrator, at 920-728-2814. All interested parties will be heard at the public hearing. In addition, written comments may be submitted (1) via the Village's zoning website <https://villageofeasttroy.zoninghub.com/home.aspx> by March 1, 2021; (2) to the Village Hall by Monday, March 1, 2021; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on February 19 and 26, 2021

Public Comment Submitted Online via ZoningHub

Report generated March 3, 2021

Project Details

Application Number: 2021-01

Description: Cottage housing development ordinance

Name: Erin Seaverson

Address: 2040 Emery Street

Date submitted: January 13, 2021

Comment:

In general, I am in favor of this ordinance; however, I have the following concerns.

As East Troy is a small town and the residents have voiced that they would like to maintain the small town character of East Troy, pedestrian connections to facilitate person-to-person interactions in street design and planning are paramount. In addition, pedestrian connections are of importance to anyone, including the old and young, who are unable to drive for whatever reason, and increase the overall physical health of community members.

Section 510-203 (4) should include stronger language for pedestrian connections to the surrounding neighborhoods. Those connections are as important as an internal network of pedestrian paths and sidewalks.

The parking stipulations need some more careful review as well. When I read this ordinance and look at the image (which does not include parking areas), I envision a nice square with small cottages around it and blank garage doors facing adjacent streets. This is unacceptable if we want to maintain the pedestrian friendly residential streets of a small town. I recommend limiting the square footage of street facing building facades containing garage doors, or allowing attached garages only at alley facing units (not public streets). I'm also in favor of removing the minimum parking requirements to let the market dictate the amount of parking required.

In general, "back of house" or service areas need to be carefully considered in a development in which both the front and back of homes are public facing. I'm not sure how much of that consideration needs to be included in the ordinance, but at minimum a plan showing where garbage is stored, where exterior HVAC units go, where parking is, etc., should be required of the developer for review by the Plan Commission during the planning process.

- end of report -

ORDINANCE 2021-03**- Plan Commission Recommendation -**

**AN ORDINANCE TO MAKE REVISIONS TO THE ZONING REGULATIONS IN
CHAPTER 510 OF THE VILLAGE OF EAST TROY MUNICIPAL CODE**

WHEREAS, the Village Board for the Village of East Troy adopted zoning regulations for the Village of East Troy and has amended such regulations from time to time; and

WHEREAS, the zoning regulations, as amended, are codified as Chapter 510 of the Village of East Troy municipal code, which is titled "Zoning;" and

WHEREAS, the Village Board updated the Village's Comprehensive Plan in 2019 which included a new policy related to revising the Village's zoning code to accommodate cottage housing; and

WHEREAS, the Plan Commission has prepared an ordinance to address cottage housing and recommended approval of the same at their meeting on January 11, 2021; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on March 8, 2021; and

WHEREAS, within a reasonable time after the public hearing, the Plan Commission reported its recommendation to the Village Board as set forth in this ordinance; and

WHEREAS, the Village Board considered the Plan Commission's recommendation at its meeting on 15, 2021; and

WHEREAS, the Village Board accepted the Plan Commission's recommended text amendment **without revision OR with minor revision.**

WHEREAS, the Village Board for the Village of East Troy, after careful review and upon consideration of the recommendation of the Plan Commission of the Village of East Troy and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Village of East Troy, will enhance property values in the Village and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Village or for any other reason cause a substantial adverse effect on the property values and general desirability of the Village.

NOW, THEREFORE, the Village Board of the Village of East Troy, Walworth County, Wisconsin, do ordain as follows:

Section 1. Create Article XX to read as set forth in Attachment A.

Section 2. This ordinance shall become effective upon passage and posting or publication as provided by law.

Section 3. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific Section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Adopted this 15th day of March, 2021

Scott Seager, President

ATTEST:

Lorri Alexander, Village Clerk

Attachment A

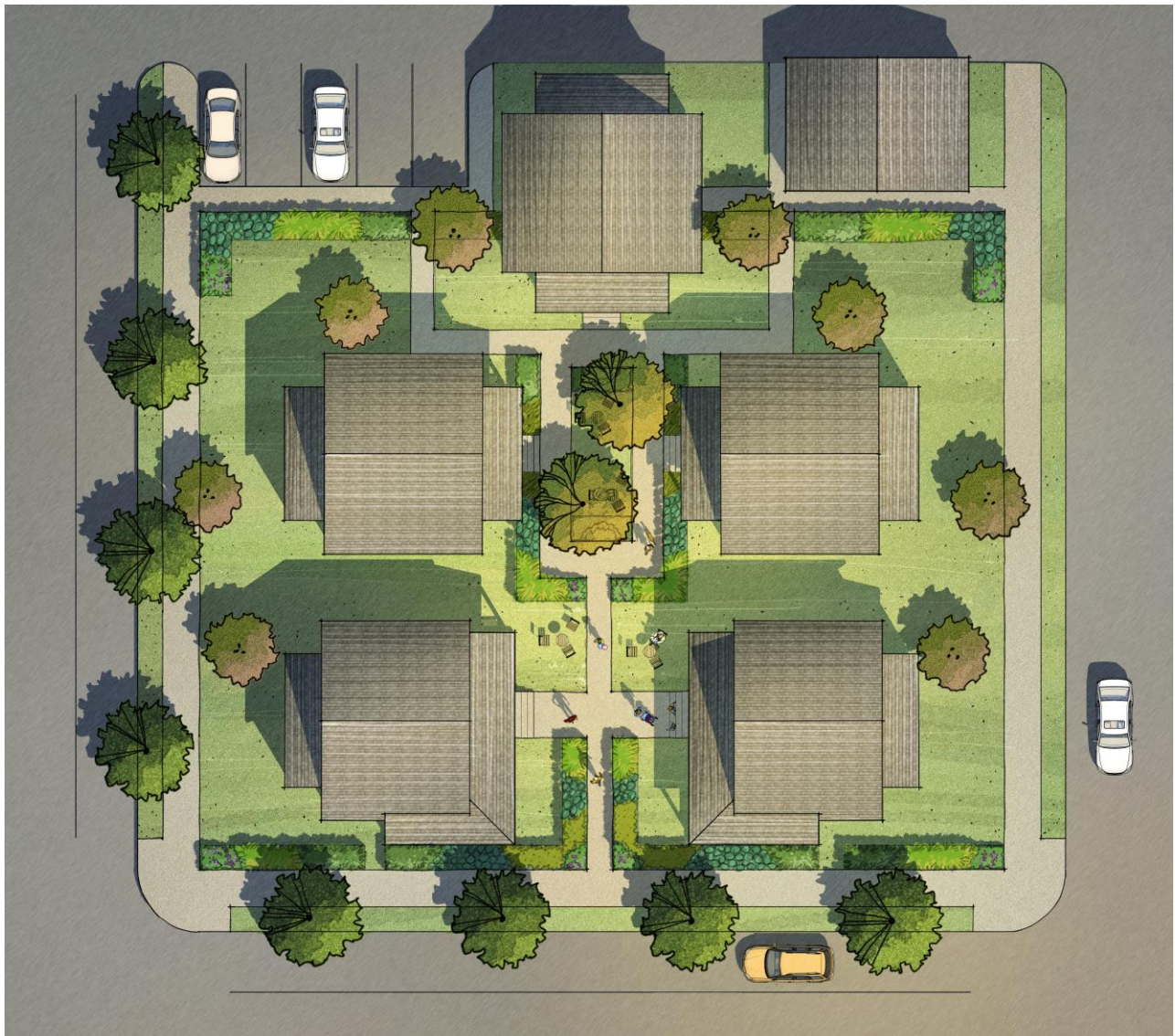
Article XX

Alternative Development Options

**DIVISION 1
COTTAGE HOUSING**

510-199 Generally

A cottage housing project is a residential development characterized by housing units that front on a common area and the housing units are comparatively small when compared to typical single-family units. A cottage housing project must reflect a coherent and high-quality design concept. The illustrations below depict an example of a cottage housing project to show some of the major features.





© Civic Webware | Not to scale



© Civic Webware | Not to scale

510-200 Legislative findings

The Village Board makes the following legislative findings:

- (1) Cottage housing is a new type of housing in East Troy that can fill an unmet housing need.
- (2) Cottage housing can provide opportunities for homeownership that may not otherwise exist.
- (3) Cottage housing responds to demographic trends occurring locally, in the region, and nationally. These include a declining household size and more people living alone and longer.
- (4) It is not possible to define specific areas in the village where cottage housing should be developed. Rather, cottage housing is a development option that developers can explore.

- (5) Cottage housing will likely have the same, or fewer people than the single-family homes that could be built on the site.
- (6) Given the size restrictions on the housing unit, the bulk of a cottage housing project is similar to the single-family homes that could be built on the site.
- (7) Cottage housing is consistent with the Village's adopted comprehensive plan.
- (8) Rather than codifying all parameters of cottage development, the standards in this article are intended to provide sufficient guidance without becoming overly prescriptive, with the understanding that the village and the developer will work together to craft a detailed development plan that meets community needs and works well with the site and the target market.

510-201 Type

A developer can propose a cottage housing project as a traditional subdivision plat or as a condominium project.

510-202 Application and review procedure

A cottage housing project is reviewed as a planned development district as set forth in Article XII, except as may be specifically modified in this article.

510-203 General design principles

In the design of a cottage housing project the following design principles must be satisfied:

- (1) A majority of the dwelling units must abut a common area.
- (2) Dwelling units must be oriented in a pattern that is compatible with the development pattern in the surrounding area.
- (3) The project must accommodate emergency vehicles to the satisfaction of the East Troy fire chief.
- (4) The project must include an internal network of pedestrian paths and sidewalks for residents and their guests. Connections to the surrounding neighborhood should be made where appropriate or required.
- (5) Low-impact stormwater techniques should be incorporated into the project to the extent feasible.

510-204 Project parameters

(a) **Clusters.** A cottage housing project may consist of one or two clusters.

(b) **Number of units.** A cluster of cottage housing must contain at least 4 dwelling units but no more than 12.

(c) **Separation between clusters.** A cluster of cottage housing must be at least 400 feet from any other existing or approved cottage housing cluster in the village unless otherwise part of an overall development plan.

(d) **Density.** The base density of dwelling units in a cottage housing project is based on the density and/or minimum lot size of the underlying zoning district and the size of the dwelling units to be constructed as set forth in Table 1. The Village Board, upon recommendation of the Plan Commission, may allow a greater density when the project exemplifies exceptional design characteristics and integration with the character of the area.

Table 1. Housing Density

| Size of Dwelling Unit (square feet) | Housing Units Allowed in Place of Each Single- Family Home Allowed by Zoning District |
|--|--|
| 650 to 1,000 | 1.75 |
| 1,001 to 1,200 | 1.5 |
| 1,201 to 1,500 | 1.25 |

Note: The total number of housing units allowed is calculated and rounded up to the next whole number if the calculated number is 0.5 or higher and rounded down if it is less than 0.5. For example, if the calculated number of housing units is 5.75, the maximum number of units is 6.

(e) **Minimum lot size.** Beyond the density restrictions listed in this section, there is no minimum lot size for lots created through the land division process.

510-205 Open space

(a) **Intent.** Open space is an integral feature of a cottage housing project and is intended to be the focal point throughout the design process. In other words, adding open space here and there as an afterthought is not acceptable.

(b) **Requirements.** A minimum of 450 square feet of open space must be provided for each dwelling unit in the project, but not less than 2,800 square feet regardless of the number of dwelling units. Such open space must be useable for active or passive recreational activities and therefore shall not include stormwater basins, wetlands, steep slopes, or other similar areas.

(c) **Placement.** Open space should be centrally located to the benefit of the units in the project. As a general rule, each dwelling unit must face the open space on one side, but preferably two sides.

(d) **Improvements.** Common open space shall be improved for passive and/or active recreational use and may include patios, lawns, gardens, landscaping, outdoor gathering areas, pedestrian paths, common barbeque facilities, and similar features.

510-206 Building standards

(a) **Floor area.** The floor area of dwelling units is controlled by the density calculations established in s. 510-204. The minimum floor area of a dwelling unit is 650 square feet and the maximum floor area is 1,500 square feet. As a requirement of project approval, the developer shall record a deed restriction against each dwelling unit indicating that the size of the dwelling unit may not be increased after initial construction and that any vaulted space within a dwelling unit may not be converted into habitable space.

(b) **Entries and porches.** Each dwelling unit must include a covered porch fronting on the common area. The porch must have a minimum floor area of 80 square feet and not be less than 6 feet in width.

(c) **No-step entry.** To the extent possible, at least one entrance to a dwelling unit should be at grade (i.e., a no-step entry).

(d) **Exterior storage area.** Each dwelling unit must include a storage area, with a floor area of at least 10 square feet that is accessible from the exterior.

(e) **Maximum building height.** The maximum height of buildings is 18 feet if the roof pitch is less than 6:12 and 25 feet if the roof pitch is 6:12 or greater.

(f) **Minimum building separation.** Dwelling units shall maintain a minimum separation of 10 feet.

Example of a no-step entry



510-207 Architectural standards

(a) **Adoption of standards.** The developer must prepare a set of detailed architectural standards for all buildings within the project, including dwelling units, community buildings, and garages. Such standards must address exterior building materials, roof pitch, window style, articulation, and any other feature required by the Plan Commission. The standards must include a series of renderings depicting the architectural character of the buildings in the project.

(b) **Enforcement of standards.** The developer shall establish a mechanism, as approved by the Plan Commission, to ensure all buildings in the cottage housing project comply with the approved architectural standards adopted by the developer.

510-208 Parking and garages

(a) **Parking requirements.** Parking requirements are based on the size of the housing units in the project as set forth in Table 2.

(b) **Garages.** Attached garages should front on an alley or on a public street where possible; fronting a public street may be considered if alleys are deemed inappropriate. Each dwelling shall have no more than one detached garage with a maximum floor area of 250 square feet. Garages may be combined into a shared garage structure, consisting of no more than 4 garages and no more than 1,000 square feet. Storage of items which preclude the parking of a vehicle in a garage is prohibited. Carports are not permitted in a cottage housing project.

(c) **Surface parking.** Surface parking must be provided for residents and guests in clusters of not more than 5 adjoining spaces. Clusters must be separated by at least 20 feet. Individual parking spaces may be located behind the principal structure when served by an alley. If the village allows on-street parking on streets abutting the project, such parking may satisfy surface parking requirements as determined by the Plan Commission.

Table 2. Parking Requirements

| Size of Dwelling Unit (square feet) | Parking Spaces |
|--|----------------|
| 1,000 or less | 1.5 |
| More than 1,000 | 2.0 |

Notes: When the calculated number of total required parking spaces results in a fraction, the number is rounded up to the next whole number.

510-209 Community buildings

(a) **Generally.** A cottage housing project may contain one or more community buildings that are for the exclusive use of the residents and their guests. Such buildings must not be habitated in any manner and must be clearly incidental in use or size and related to the dwelling units in the project.

(b) **Maximum area.** The maximum area of any community buildings within a project shall not exceed an aggregate total of 2,500 square feet.

(c) **Ownership.** Any community building in a cottage housing project shall be commonly owned and maintained by the residents.

(d) **Design.** The roof pitch, architectural themes, exterior materials, and colors of any community building shall be consistent with the architectural standards established by the developer.

(e) **Obligation to construct.** If the developer is proposing to construct one or more community buildings as part of the project, the developer shall provide assurances to the satisfaction of the municipal attorney guaranteeing satisfactory completion of such buildings within the timeframe established in the approval.

510-210 Lot coverage

Impervious surfaces within the project site shall not exceed 60 percent. Patios, pedestrian walks, and other similar surfaces that are an integral part of the open space areas shall not be counted in lot coverage calculations.

510-211 Screening

Screening, such as landscaping, fencing, or berms, must be provided around the perimeter of a cottage housing project to the extent deemed appropriate by the Plan Commission to ensure the project fits in with the character of the area.

510-212 to 510-239 Reserved

DIVISION 2
TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Reserved